

FILED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAN 22 2020

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES OF AMERICA,

Plaintiff,

V.

NEKO SEBASTIAN SMITH,

Defendant.

No.

4:20CR00057 RLW/PLC

MOTION FOR PRETRIAL DETENTION AND HEARING

Comes now the United States of America, by and through its Attorneys, Jeffrey B. Jensen, United States Attorney for the Eastern District of Missouri, and Donald S. Boyce, Assistant United States Attorney for said District, and moves this Court to order Defendant detained pending trial, and further requests that a detention hearing be held three (3) days from the date of Defendant's initial appearance before the United States Magistrate pursuant to Title 18, United States Code, §3141, et seq.

As and for its grounds, the United States of America states as follows:

1. Defendant is charged with Interference with Interstate Commerce by Robbery, in violation of 18 U.S.C. §1951(a), and Possession of a Firearm in Furtherance of a Crime of Violence, in violation of 18 U.S.C. §924(c). Pursuant to Title 18, United States Code, Section 4142(f)(1)(A), this case involves a charge of robbery, which is a crime of violence. Pursuant to Title 18, United States Code, Section 3142(e)(3)(B), the rebuttable presumption of detention applies because the Defendant has been charged with a violation of 18 U.S.C. §924(c).

2. According to St. Louis Metropolitan Police Department Report #19-061965, on December 12, 2019, at approximately 2:30 am, a man walked into the White Castle restaurant at Vandeventer and Cheateau in St. Louis. The man approached the counter, pointed a gun at the cashier, and demanded money. The cashier fled into the back of the restaurant, and the man left without taking any money. The incident was captured by the store's security cameras, and the description of the suspect was

quickly broadcast over the police radio. Shortly after police were called, officers located a man matching the description of the suspect a few blocks away from White Castle. When the first officers to spot the suspect attempted to approach him, Smith ran from them down an alley. When an officer in a second car encountered Smith, Smith pointed a pistol at the officer and told the officer not to get out of the car. The officer did get out of his car and fired at Smith, hitting him once in the knee. Smith attempted to flee, but he fell and was arrested nearby. A loaded .22 caliber pistol was recovered.

3. Based on the statutory factors in 18 U.S.C. § 3142(g), detention is appropriate in this case. Pursuant to Section 3142(g)(1), the nature and circumstances of this case are that the Defendant has been charged with a crime of violence and firearms offenses. The offense also involved the Defendant's attempt to flee from officers. Pursuant to Section 3142(g)(2), the weight of the evidence against the Defendant, as summarized above, is strong.

WHEREFORE, the United States requests this Court to order Defendant detained prior to trial, and further to order a detention hearing three (3) days from the date of Defendant's initial appearance.

Respectfully submitted,

JEFFREY B. JENSEN
United States Attorney

/s/ Donald S. Boyce
DONALD S. BOYCE, #6282562IL
Assistant United States Attorney